

EXHIBIT 1

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Case No. 5:13-mc-80284-EJD

Defendant:

Plaintiff:

Attala

EXHIBIT 2

Marquiz Law Office

Professional Corporation

Date: October 3, 2013

Fax to: Jacob A. Reynolds, Esq. 702.385.2086
Sid Leach, Esq. 602.382.6070

From: Craig A. Marquiz, Esq.

Pages: 3 (Including Cover Page)

Regarding: HGN v. Piche et al.

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♦
Marquiz Law Office
Professional Corporation
♦

October 3, 2013

Jacob A. Reynolds, Esq.
Hutchison & Steffen, LLC
10080 West Alta Dr., Ste. 200
Las Vegas, NV 89145

Re: HGN v. Piche et al.

Dear Jacob:

Plaintiffs respectfully request that the CWC Defendants voluntarily quash the subpoena duces tecum issued to Chris Beall and vacate the unilaterally-noticed deposition (scheduling Mr. Beall's record production and examination for October 22, 2013 in San Jose, CA).

As an initial matter, the CWC Defendants have improperly served Plaintiff's expert, Chris Beall, with a subpoena duces tecum (issued from the United States District Court for the Northern District of California) and issued a Notice of Deposition seeking his testimony and production of documents. The governing scheduling order in this case set a discovery cut-off which expired long ago. In your recent letter, dated October 2, 2013, you asserted that judgment had been entered in this case, which would mean that there is no action pending to support the issuance of a subpoena in any event, even if it was not prohibited by the Court's Rule 16 Scheduling Order. See Fed.R.Civ.P. 16(b)(4) ("[a] schedule may be modified only for good cause and with the judge's consent"); 16(f)(1)(C) ("the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney ... fails to obey a scheduling or other pretrial order").

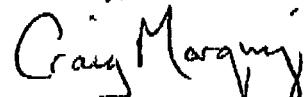
Further, since the subpoena served on Mr. Beall was issued from the Northern District of California, it is subject to the Local Rules of the Northern District of California. The deposition notice violates Local Rule 37-3 of the Northern District of California, and the subpoena issued from that court is unenforceable because you did not first obtain an order from the Northern District of California allowing such a deposition for good

Jacob A. Reynolds, Esq.
October 3, 2013
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cause shown. Local Rule 37-3 ("Discovery requests that call for responses or depositions after the applicable discovery cut-off are not enforceable, except by order of the Court for good cause shown."). The unilaterally-noticed deposition also violates Local Rule 30-1 of the Northern District of California. Local Rule 30-1 ("before noticing a deposition of a party or witness affiliated with a party, the noticing party must confer about the scheduling of the deposition with opposing counsel").

If you have any questions or wish to discuss, please call me. If not, I look forward to receiving written confirmation from the CWC Defendants' withdrawing the subpoena and cancelling the unilaterally-noticed deposition.

Sincerely,



Craig A. Marquiz, Esq.

EXHIBIT 3



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702.385.2500
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JACOB A. REYNOLDS
ATTORNEY
JREYNOLDS@HUTCHLEGAL.COM
OUR FILE NO.: 3672-001

November 1, 2013

Via Email and U.S. Mail

Craig A. Marquiz, Esq.
MARQUIZ LAW OFFICE
3088 Via Flaminia Court
Henderson, NV 89052

Sid Leach, Esq.
SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202

**Re: Home Gambling Network, Inc., et al. v. Chris Piche, et al.
Deposition of Chris Beall.**

Dear Mr. Marquiz and Mr. Leach:

This letter follows up on my attempts to discuss with you your objections to the post-judgment deposition of Chris Beall. Enclosed as Exhibit A to this letter is your letter of objection dated October 3, 2013. I have tried to communicate with you about these objections without success, though we did, as a professional courtesy, continue the deposition based upon your objections in hopes of discussing them. Having received no further response in this regard, this letter is the final attempt to resolve the matter before we file a motion under LR 7-5 or LR 26-7.

Your two objections to Chris Beall's deposition were: (1) this case has closed and therefore the deposition would occur after discovery has closed; and (2) defendants failed to consult with plaintiffs prior to setting the deposition.

Taking the latter first, defendants have tried to consult with plaintiffs regarding alternative dates but have been met with silence. We ask you to give us alternative dates that you would be available for the deposition amongst the following: November 25-26, or December 2-

HUTCHISON & STEFFEN
A PROFESSIONAL LLC

Craig A. Marquiz, Esq.

Sid Leach, Esq.

November 1, 2013

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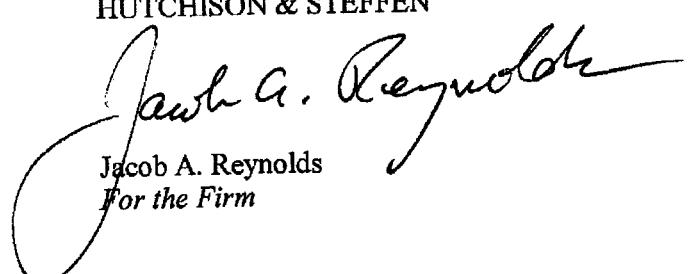
14 to attend this deposition. If we do not receive alternative dates by November 6, then we will set the date we see fit.

So you understand, you cannot defend the deposition of Chris Beall as there would be an inherent conflict of interest in this instance. This conflict is also relevant to your second objection regarding the deposition occurring beyond the discovery deadline. By its nature, Chris Beall's deposition does not go to the merits of the case. Rather, Chris Beall's deposition is being taken to investigate further the propriety of a motion under 28 U.S.C. § 1927 for fees and costs against the attorneys themselves, which is explicitly exempted from the regular attorney fee motion time limits by FRCP 54(d)(2)(E). Rather than making a 1927 motion without this testimony, defendants seek further information in good faith to help determine the merit of such a motion. Defendants anticipate that Chris Beall's testimony would be helpful in either further establishing the merit of a § 1927 claim, or convincing us not to file such a motion. As such, the deposition is sought in good faith, for good cause, and is timely.

Given the nature of the deposition, you obviously cannot represent Chris Beall. You as well may desire to have separate counsel at the deposition in this regard. In any case, please let us know by November 6, 2013, whether you maintain your objection, or will allow the deposition to go forward without objection, so that we may act accordingly.

Sincerely,

HUTCHISON & STEFFEN


Jacob A. Reynolds
For the Firm

JAR/bbp

Enclosure

EXHIBIT 4

THE 1990 ST. LUCIA PINTO CT. GOURMET

Printed on Form No. 2000-14570-DAE-VCF

1. *What is the best way to increase sales?* (1 point)

19. *Leucosia* (Leucosia) *leucostoma* (Fabricius) (Fig. 19)

Department of Mathematics

How to Identify a Scam

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REFERENCES AND NOTES

EXHIBIT 5

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

6 HOME GAMBLING NETWORK, INC., et al.,)
7 Plaintiff,)
8 v.)
9 CHRIS PICHE, et al.,)
10 Defendants.)
11)
2:05-cv-00610-KJD-LRL
**DISCOVERY PLAN and
SCHEDULING ORDER**

12 The court has considered plaintiffs' and defendants' proposed Discovery Plans and Scheduling
13 Orders (#118 and #115, respectively). The court believes that the phased discovery plan proposed by
14 defendants best serves the interests of litigation efficiency and cost savings. Accordingly, the following
15 discovery plan and scheduling order¹ shall govern these proceedings:

16 | I. Phase I

| | | |
|----|--------------------------|-------------------|
| 17 | A. Initial Disclosures | November 24, 2006 |
| 18 | B. Prior Art Disclosures | January 19, 2007 |

19 || II. Phase II

¹ To the extent applicable, the discovery plan in this case is intended to be conceptually compatible with the Patent Local Rules in effect in the Northern District of California.

| | | |
|---|--|-----------------|
| 1 | F. Answering Claim Construction Briefs | June 29, 2007 |
| 2 | G. Markman Hearing, on or after | July 27, 2007 |
| 3 | H. Close of Liability Fact Discovery | August 17, 2007 |

4 III. Phase III

5 A. Upon the entry of an Order construing the patent claim terms in dispute (the “Order Date”):

6 1. Within 30 days of the Order Date, the parties shall
7 exchange expert reports pursuant to Fed.R.Civ.P.
8 26(a)(2) on liability issues on which they bear the burden
9 of proof;
10 2. Within 60 days of the Order Date, the parties shall
11 exchange rebuttal expert reports;
3. Within 120 days of the Order Date, expert discovery on
liability issues shall close;
4. Within 160 days of the Order Date, all dispositive
motions directed to liability issues shall be filed.
Briefing shall be in accordance with LR 7-2.

12 B. Discovery Limitations

13 1. Each party may serve a maximum of 65 document requests;
14 2. Each party may serve a maximum of 50 requests for admissions; and
15 3. The deposition of plaintiff Melvin Molnick may be taken for up to 21 hours.

16 IT IS SO ORDERED.

17 DATED this 10th day of October, 2006.

LRLeavitt
LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 6

1 Marquiz Law Office
2 Professional Corporation

3 3088 Via Flaminia Court
4 Henderson, NV 89052
5 Phone: (702) 263-5533
6 Fax: (702) 263-5532
Craig A. Marquiz, Esq.
NV Bar #7437
Attorney for Plaintiffs

14 HOME GAMBLING NETWORK, INC, a
15 Nevada corporation; MEL MOLNICK, an
individual

Case No. CV-S-05-0610-DAE (LRL)

16 Plaintiffs,

17 |

vs.

18 CHRIS PICHE and JANE DOE PICHE,
19 husband and wife; ADAM ANHANG, a
20 single man; EYEBALL NETWORK, INC.,
21 an unlicensed Canadian venture d/b/a
22 EYEBALL NETWORK GAMES, INC.;
23 INVERSIONES VC DOS MIL S.A. a
Costa Rican corporation d/b/a
CASINOWEBCAM,
CASINOWEBCAM.COM,
CASINOWEBCAM.COM INC., CWC
GAMING, CWCGAMING.COM, and
CWCGAMING.COM INC.

**STIPULATION TO MODIFY
DISCOVERY PLAN AND
SCHEDULING ORDER**

(First Request)

24 Defendants.

26

1 Whereas the Court recently addressed the motion for summary judgment
2 brought by Inversiones VC Dos Mil S.A., Chris Piche and Eyeball Networks, Inc.
3 (collectively CWC Defendants)¹ and Plaintiffs Mel Molnick and Home Gambling
4 Network, Inc.'s dismissal without prejudice of the Sportingbet and World Gaming
5 Defendants, the parties reasonably believe that the Claim Construction phase provided
6 in the existing Discovery Plan and Scheduling Order (modeled after the California
7 Patent Litigation approach) is no longer necessary. Accordingly, the parties hereby
8 stipulate and agree to modify the Discovery Plan and Scheduling Order as follows:

9 I. Discovery Cut-Off Dates. Discovery will take one hundred and eighty
10 (180) days, measured from May 1, 2007. Thus, the discovery cut-off in this case is
11 Sunday, October 28, 2007.

12 II. Experts. Disclosure of experts shall proceed according to Fed. R. Civ. P.
13 26(a)(2), except that: (i) the disclosure of experts and expert reports shall occur on
14 Friday, September 28, 2007, which is thirty (30) days before the discovery cut-off date;
15 and (ii) the disclosure of rebuttal experts and their reports shall occur on Saturday,
16 October 13, 2007, which is fifteen (15) days before the discovery cut-off date.

17 III. Other Items.

18 a. Amending the Pleadings and Adding Parties. The parties shall
19 have until Saturday, July 28, 2007 to file any motions to amend the pleadings or add
20 parties. This is ninety-two (92) days before the discovery cut-off date and does not
21
22

23 1 The Court denied the CWC Defendants motion as to Counts One (Patent
24 Infringement), Count Five (Breach of Contract), Count Four (Accounting), Count Three
25 (Preliminary & Permanent Injunction) and Count Six (Intentional Interference), and
granted same as to Court Two (Declaratory Judgment) and Count Seven (Conversion).
See Order (Doc. No. 143).

1 exceed the outside limit LR 26-1(e)(2) presumptively sets of ninety (90) days before the
2 discovery cut-off date for filing such motions.

3 b. Interim Status Report. The parties shall file the interim status
4 report required by LR 26-3 by Friday, August 24, 2007. Undersigned counsel certify
5 that they have read LR 26-3 and that this date is no later than sixty (60) days before the
6 discovery cut-off date.

7 c. Dispositive Motions. The parties shall have until Tuesday,
8 November 27, 2007 to file dispositive motions. This is thirty (30) days after the
9 discovery cut-off date and does not exceed the outer limit of thirty (30) days following
10 the cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.

11 d. Settlement. Settlement cannot be evaluated prior to the
12 completion of discovery.

13 e. Later Appearing Parties. A copy of this discovery plan and
14 scheduling order shall be served on any person served after it is entered or, if
15 additional defendants should appear, within five (5) days of their first appearance. This
16 discovery plan and scheduling order shall apply to such later-appearing parties, unless
17 the Court, on motion and for good cause shown, orders otherwise.

18 f. Extensions or Modifications of the Discovery Plan and Scheduling
19 Order. LR 26-4 governs modifications or extensions of this discovery plan and
20 scheduling order. Any stipulation or motion must be made not later than twenty (20)
21 days before the discovery cut-off date and comply fully with LR 26-4.

22 ...
23
24
25
26

1 RESPECTFULLY SUBMITTED this 14th day of May, 2007.

Marquiz Law Office

By: Craig A. Marquitz
Craig A. Marquitz, Esq.
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Henderson, NV 89052
Attorney for Plaintiffs

Lincoln, Gustafson & Cercos

By: Nicholas B. Salerno, Esq.
Thomas R. Ryan, Esq.
2300 West Sahara Ave., Ste. 300, Box 2
Las Vegas, NV 89102
Attorneys for Defendants

IT IS SO ORDERED.

DATED this 16th day of May, 2007.

2007.
LRLeavitt
LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE